

EXHIBIT C

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In The Matter Of:

*Tammy Kitzmiller, et al. v.
Dover Area School District, et al.*

*Richard Nilsen
January 3, 2005*

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Word Index included with this Min-U-Script®

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- [1] A: Three and a half years.
- [2] Q: When you were Assistant Superintendent, did you have
- [3] responsibilities for curriculum as Mr. Baksa does now?
- [4] A: Yes.
- [5] Q: And prior to becoming Assistant Superintendent, what did
- [6] you do?
- [7] A: Director of Curriculum Instruction.
- [8] Q: For Dover area?
- [9] A: No. Big Springs School District.
- [10] Q: How long did you hold that position?
- [11] A: Five years. Five or six.
- [12] Q: And prior to that?
- [13] A: High School Principal, Big Springs School District.
- [14] Q: How long did you hold that position?
- [15] A: Total five years.
- [16] Q: You used the word total. Was it broken up?
- [17] A: Yes.
- [18] Q: Why was that?
- [19] A: I was acting one year, then returned to the Assistant
- [20] Principal's position. I then went to another District
- [21] for three years, then returned for four.
- [22] Q: When you were in the other District, were you also
- [23] Principal?
- [24] A: Yes.
- [25] Q: Prior to taking positions as a Principal or Assistant

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- [1] Principal, were you ever a schoolteacher?
- [2] A: Yes.
- [3] Q: What subjects did you teach?
- [4] A: Social studies.
- [5] Q: How long did you do that?
- [6] A: Five and a half years.
- [7] Q: Where did you get your degree?
- [8] A: Which one?
- [9] Q: What degrees do you have?
- [10] A: I have an undergraduate BA in social studies from Gordon
- [11] College. I have a Master's in Administration from
- [12] Shippensburg University, and I have a doctorate from
- [13] Temple University. So I am actually Dr. Nilsen.
- [14] Q: During any of your college and post graduate education,
- [15] did you take any science courses?
- [16] A: No. Wait a minute. You said undergraduate?
- [17] MR. GILLEN: He did I believe.
- [18] A: Yes.
- [19] BY MR. ROTHSCHILD:
- [20] Q: Did you take any biology courses?
- [21] A: No. I took a theory of science I believe.
- [22] Q: While you were an undergraduate?
- [23] A: Yes.
- [24] Q: That is the only science subject you can remember taking
- [25] as an undergraduate?

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- [1] A: No. I am sorry. That is over 30 years ago. That is
- [2] all I remember.
- [3] Q: Have you attended any courses or lectures or seminars
- [4] relating to the subjects of evolution, Intelligent
- [5] Design, creation or Creationism?
- [6] A: No.
- [7] Q: How often does the Dover Area School Board meet?
- [8] A: Usually twice a month.
- [9] Q: Do you attend all those meetings?
- [10] A: Yes.
- [11] Q: Who keeps the minutes of those meetings?
- [12] A: The secretary.
- [13] Q: How is the secretary position selected?
- [14] A: To clarify, the Board approves a secretary. Our current
- [15] secretary of the Board is battling cancer and has not
- [16] been in the District for over a year and a half. We
- [17] have had an Acting Secretary who the Board formally
- [18] approved as Assistant Secretary.
- [19] On one occasion, October 18th, we had an
- [20] additional individual sit in as the Board secretary.
- [21] Q: In place of the Acting Secretary?
- [22] A: Yes.
- [23] Q: Is it the practice of the Board to record the meeting?
- [24] A: Yes.
- [25] Q: What is done with those recordings after the meeting is

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- [1] completed?
- [2] A: They are kept until the Board officially approves the
- [3] minutes. After the approval of the minutes, the tapes
- [4] are destroyed.
- [5] Q: Who developed the policy of destroying the tapes after
- [6] the minutes are approved?
- [7] A: Don't know. It happened prior to me.
- [8] Q: Are there any circumstances where the full Board meets
- [9] that is not open to the public?
- [10] A: Yes.
- [11] Q: Is there a name for those kinds of meetings?
- [12] A: Executive session.
- [13] Q: Do you attend those sessions?
- [14] A: Some.
- [15] Q: What are the — let me back up. Is it your
- [16] responsibility to attend all the full public Board
- [17] meetings?
- [18] A: Yes.
- [19] Q: What are the circumstances where you will attend an
- [20] executive session meeting?
- [21] A: If requested by the Board to attend.
- [22] Q: Does anyone record what is said in the executive session
- [23] meetings?
- [24] A: No.
- [25] Q: Who developed the policy of not recording executive

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[1] session meetings?
 [2] A: Don't know.
 [3] Q: Are any minutes produced for executive session meetings?
 [4] A: No.
 [5] (Aralene D. And Frederick B. Callahan exit the
 [6] conference room.)

BY MR. ROTHSCHILD:

[8] Q: Is it your practice to take notes during Board meetings?
 [9] A: Yes.
 [10] Q: What do you do with those notes after the meeting is
 [11] concluded?
 [12] A: After I have implemented what my notes say, I destroy
 [13] them.
 [14] Q: Is it your practice to take notes at executive sessions?
 [15] A: Yes.
 [16] Q: Is it also your practice to destroy those notes after
 [17] you have implemented whatever your responsibilities are?
 [18] A: Yes.
 [19] Q: Do you memorialize your task lists from those meetings
 [20] in any other form such as on your computer?
 [21] A: No.
 [22] Q: Does the Board have a curriculum committee?
 [23] A: Yes.
 [24] Q: How is the curriculum committee selected?
 [25] A: The Board President.

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[1] Q: Is there a chair of the curriculum committee?
 [2] A: Yes.
 [3] Q: How is that person selected?
 [4] A: Board President.
 [5] Q: How are the members of the curriculum committee
 [6] selected?
 [7] A: Board President.
 [8] Q: How often does the curriculum committee meet?
 [9] A: When required.
 [10] Q: Are there any regularly scheduled meetings?
 [11] A: No.
 [12] Q: How is a meeting scheduled?
 [13] A: When either a Board chairperson requests or the
 [14] Assistant Superintendent for Curriculum requests.
 [15] MR. ROTHSCHILD: Can you read that back?
 [16] (Last question and answer were read by the court
 [17] reporter.)
 [18] BY MR. ROTHSCHILD:
 [19] Q: When you say a Board chairperson, you are referring to
 [20] the chair of the curriculum committee?
 [21] A: Yes.
 [22] Q: Who attends the curriculum committee meetings?
 [23] A: Which curriculum committee meeting?
 [24] Q: Any curriculum committee meetings.
 [25] A: There are two separate curriculum committees.

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[1] Q: Can you describe those two committees?
 [2] A: There is the Board curriculum committee, and then there
 [3] is the community curriculum committee.
 [4] Q: Let's start with the Board curriculum committee. Who
 [5] are the members of the Board curriculum committee?
 [6] A: The Board members and the Assistant Superintendent.
 [7] Q: Does anybody besides those individuals attend curriculum
 [8] committee meetings?
 [9] A: If requested, yes.
 [10] Q: Does faculty attend curriculum committee meetings?
 [11] A: Which curriculum committee meeting?
 [12] Q: The Board curriculum committee.
 [13] A: If requested, yes.
 [14] Q: What are the circumstances under which a faculty member
 [15] is requested to attend curriculum committee meetings?
 [16] A: If there is a question about a specific issue that the
 [17] Board is reviewing, or it could be another
 [18] administrator.
 [19] Q: In your experience, has it been the Board curriculum
 [20] committee's practice to include faculty in the subject
 [21] matter being discussed by the curriculum committee?
 [22] A: Which curriculum committee?
 [23] Q: The Board curriculum committee. If the subject is
 [24] chemistry, has it been the committee's practice to
 [25] invite a chemistry teacher?

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[1] A: No.
 [2] Q: What is the community curriculum committee?
 [3] A: The committee chaired by the Assistant Superintendent
 [4] for curriculum that has teachers, community members,
 [5] Board members and administrators on it.
 [6] Q: Can you describe the functions of each of these
 [7] committees in developing curriculum for the School
 [8] District?
 [9] A: The Assistant Superintendent is in charge of developing
 [10] the curriculum in conjunction with the teachers, brings
 [11] those recommendations to the community curriculum
 [12] committee, then brings those recommendations to the
 [13] Board curriculum committee meeting.
 [14] Q: And then would the next step in the process be —
 [15] A: To the full Board.
 [16] Q: Just to make sure the answer is clear, the process is
 [17] that the Assistant Superintendent and faculty make
 [18] recommendations first to the community curriculum
 [19] committee, then their recommendations go on to the Board
 [20] curriculum committee, and their recommendations then go
 [21] on to the full Board?
 [22] A: Yes.
 [23] Q: Is that practice the subject of written policy?
 [24] A: No.
 [25] Q: How was that practice developed?